

REMARKS/ARGUMENTS

In the Office Action, the Examiner required election among five groups of claims. The applicants hereby elect the claims of Group I, namely claims 1 to 16, for examination at the present time.

This election is made without prejudice to applicants right to file one or more divisional and/or continuation applications directed to the non-elected claims. In addition, this election is made without prejudice to applicants right to request rejoinder of the claims of Group II, namely claims 17 to 36, with the claims of Group I, upon allowance of the claims of Group I.

The Examiner also required an election of species with respect to the additional nucleic acid molecule referred to claim 5. The applicant hereby elects species (A), namely a nucleic acid sequence encoding the Hia protein of *Haemophilus influenzae*, specifically recited in claims 9 to 13. Claims 5 to 8 are generic and read on the elected species.

This election is made without prejudice to applicants right, upon allowance of a generic claim, to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.

The Examiner objected to claim 26 with respect to the term "nature" as used therein. The Examiner's suggestion to replace the term by the term "natural" has not been adopted but rather the claim has been amended to use the correct term, namely "mature".

It is noted that the term "natural" clearly is not intended, in that the natural form of Hin47 is proteolytic and the claim refers to a non-proteolytic analog.

The Examiner noted that claims 24, 32, 33, 35 and 36 refer to the vector as a plasmid vector and asserts that there is insufficient antecedent basis for the limitation in the claims.

Each of these claims has been amended to recite that the first nucleic acid molecule and the at least one additional nucleic acid molecule are assembled in a vector. It is submitted that there is sufficient antecedent basis for the language now used.

The Examiner noted that claims 38, 41 and 42 all claim plasmids identified by number and by reference to Figures included in the specification. The Examiner noted, however, that the respective plasmids were not identified by number in Figures 17A and 17B. In this regard, it is proposed to amend Figures 17A, 18A and 19A as shown on the enclosed print of these Figures in red.

It is noted that there is clear basis for these changes to the drawings in the description of Examples 11, 12 and 13. It is submitted that the claims and the drawings are now consistent in this respect.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned **"Version with markings to show changes made."**

It is believed that this application is now in condition for allowance and early and favourable consideration and allowance are respectfully solicited.

Respectfully submitted,



Michael I. Stewart
Reg. No. 24,973

Toronto, Ontario, Canada,
(416) 595-1155
FAX No. (416) 595-1163

Appl. No. 09/577,601

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claims 24, 26, 32, 33, 35 and 36 have been amended as follows:

24. (Amended) The method of claim 21 wherein said first nucleic acid molecule and said at least one additional nucleic acid molecule are assembled in [vector is] a plasmid vector having the identifying characteristics of plasmid JB-3145-1 as shown in Figure 10.

26. (Amended) The method of claim 17 wherein said first nucleic acid molecule encodes the mature [nature] form of the non-proteolytic analog.

32. (Amended) The method of claim 31 wherein said first nucleic acid molecule and said at least one additional nucleic acid molecule are assembled in [vector is] a plasmid vector having the identifying characteristics of plasmid DS-2342-2-2 as seen in Figure 5.

33. (Amended) The method of claim 31 wherein said first nucleic acid molecule and said at least one additional nucleic acid molecule are assembled in [vector is] a plasmid vector having the identifying characteristics of plasmid JB-3134-1-1 as seen in Figure 9.

35. (Amended) The method of claim 34 wherein said first nucleic acid molecule and said at least one additional nucleic acid molecule are assembled in [vector is] a plasmid vector having the identifying characteristics of plasmid JB-3073R-1 as seen in Figure 12.

36. (Amended) The method of claim 34 wherein said first nucleic acid molecule and said at least one additional nucleic acid molecule are assembled in [vector is] a plasmid vector having the identifying characteristics of plasmid JB-3090-1 or JB-3090-7 as seen in Figure 13.

In the Drawings:

It is proposed to amend Figures 17A, 18A and 19A as shown in red on the enclosed print of the drawings.